

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 62985	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/FR2004/000092	International filing date (day/month/year) 16.01.2004	Priority date (day/month/year) 21.01.2003
International Patent Classification (IPC) or national classification and IPC G06K 19/077, 19/073		
Applicant ATMEL GRENOBLE S.A.		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand 09-08-2004	Date of completion of this report 01-02-2005
Name and mailing address of the IPEA/ Facsimile No.	Authorized officer Telephone No.

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Box No. I

Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-9 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-15 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/2-2/2 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 1-15	YES
	Claims	NO
Inventive step (IS)	Claims	YES
	Claims 1-15	NO
Industrial applicability (IA)	Claims 1-15	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

1. In the present report, reference is made to the following documents:

D1: WO 01/31577 A (WAIBEL THOMAS; PETRESCU MIHAI (CH); TRONIC MGM AG A (CH)) 3 May 2001 (2001-05-03);

D2: DE 196 48 767 A (SIEMENS AG OESTERREICH) 26 June 1997 (1997-06-26);

D3: US 6 360 953 B1 (ZHU SHENGBO ET AL) 26 March 2002 (2002-03-26);

D4: US 4 582 985 A (LOEFBERG BO) 15 April 1986 (1986-04-15);

D5: DE 196 18 144 C (ZIEGLER HANS BERNDT DR) 10 April 1997 (1997-04-10).

2. INDEPENDENT CLAIM 1

2.1 The present application does not fulfil the requirements set forth in PCT Article 33(1)

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because the subject matter of claim 1 does not involve an inventive step as defined in PCT Article 33(3).

Document D1 (cf. page 6, lines 11-19; figures 1-3) describes (the references between parentheses apply to said document):

a smart card (1) which, in order to authenticate the card holder, comprises a sensor (4) for sensing data relating to the skin between the thumb and index finger of the smart card holder.

It follows that the subject matter of claim 1 differs from this known card in that the sensor is a spectral data sensor.

A plurality of biological data sensors that can be used to authenticate people already exist.

The biometric data sensor in the card described in document D1 is, for example, a fingerprint sensor or even a sensor of biometric data relating, moreover, to a finger, and is used for the same purpose of authenticating people.

A person skilled in the art, seeking an alternative to the fingerprint sensor in document D1, is aware that a spectral data sensor is equivalent to such a sensor and that it can, depending on the particular circumstances, be

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replaced thereby. Indeed, it is known (see, for example, document D2) that such a skin spectral data sensor can also be used for the same purpose of authenticating people.

As a result, the present application does not involve an inventive step.

- 2.2 Documents D3-D6 (see the passages cited in the search report) describe smart cards that are similar to the ones described in document D1.

What is more, the card in document D4 has a finger sensor on one side and a thumb sensor on the other. The card in document D5 comprises an optical sensor.

3. DEPENDENT CLAIMS 2-15

These claims do not contain any features which, in combination with the features of any one of the claims to which they refer, fulfil the PCT requirement of inventive step (PCT Article 33(2) and 33(3)). With regard to the relevant documents and the important passages therein, see the search report. In summary:

- 3.1 The additional features in claims 2-4 are known or obvious from documents D2 and D5.
- 3.2 The additional features in claims 5-10 are known or obvious from document D2.

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- 3.3 The additional feature in claim 11 is known or obvious from documents D1 and D3-D6.
- 3.4 The additional feature in claim 12 is known or obvious from documents D3, D4 or D5.
- 3.5 The additional features in claims 13 and 14 are known or obvious from document D1.
- 3.6 The additional features in claim 15 are known or obvious from documents D1, D3, D4 or D5.